



Attorney's Docket No. 392.6

08/ 334843 No FWC
59/Pre
1
3-1-95

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class _____ Subclass _____

Serial Number: 081118,167

PRIOR APPLICATION Examiner: WELDON, L

Art Unit: 2609

Box FWC

Commissioner of Patents and Trademarks

Washington, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL

WARNING: This form cannot be used where the parent case may not be abandoned since the filing of a request under the FWC procedure "will be considered to be a request to expressly abandon the prior application as of the filing date granted to the continuing application." 37 CFR 1.62(g).

WARNING: This procedure can only be used for a pending application prior to payment of the issue fee. 37 CFR 1.62(a) except if the parent application was withdrawn under 37 CFR 1.313(b)(5) "to permit consideration of an information disclosure statement under 1.97 in a continuing application." See Notice of January 9, 1992 (1135 O.G. 13-25 at 21).

WARNING: The filing of an application at the United States stage of an international application requires an oath or declaration. 37 CFR 1.61(a)(4).

WARNING: The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP § 706.07(b).

WARNING: An application under 37 CFR 1.62 is filed by making changes by amendment to the prior application, 37 CFR 1.62(a), and not by filing a new application. 37 CFR 1.62(e).

WARNING: Filing under 37 CFR 1.62 is permitted only if filed by the same or less than all the inventors named in the prior application. 37 CFR 1.62(a).

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this FWC Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date NOVEMBER 4, 1994 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number EB827283413 addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

LARRY K ROBERTS

(Type or print name of person mailing paper)

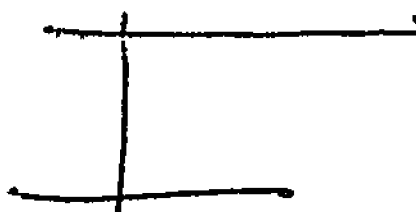
Larry K Roberts

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

(FWC [4-2]—page 1 of 11)



This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part (for oath or declaration see III below)
attached is an amendment for added subject matter
- ☐ continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97.

NOTE: The filing date under 37 CFR 1.62(a) is "... the date on which a request is filed for an application ... including identification of the Serial Number, filing date and applicant's name of the prior application". The prior application under 37 CFR 1.62(a) must be "... a prior complete application." According to 37 CFR 1.51(a) a prior complete application comprises: (1) a specification, including a claim or claims; (2) a declaration; (3) drawings; when necessary; and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.62(f) does not permit the FWC procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(f) is paid.

PARTICULARS OF PRIOR APPLICATION

- A. Application Serial No. 081,118,167 filed SEPTEMBER 8, 1994 (date).
- B. Title (as originally filed ELECTRONICALLY PROGRAMMABLE REMOTE and as last amended) CONTROL ACCESS SYSTEM
- C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

1. FULL NAME OF INVENTOR	FAMILY NAME DRORI	FIRST GIVEN NAME ZE'EV	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Los Angeles	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP U.S.A.
POST OFFICE ADDRESS	POST OFFICE ADDRESS 20750 Lassen	CITY Chatsworth	STATE & ZIP CODE/COUNTRY CA 91311 USA
2. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
3. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

☐ Continued on added page for Inventor's Data

The above identified application, in which no payment of issue fee, abandonment of (other than where the above identified application was abandoned under 37 CFR 1.313(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Inventorship statement

NOTE: *"If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added].*

NOTE: *"In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application." 37 CFR 1.60(c).*

(complete applicable item (a), (b) and/or (c) below)

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☒ the same
 - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are
- ☐ the same
 - ☐ add the following additional inventor(s)

(type name of inventor(s) to be added)

- (c) The inventorship for all the claims in this application is
- ☐ the same
 - ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

III. Declaration or oath

A. Continuation or divisional

- ☒ none required

B. Continuation-in-part

- ☐ attached

executed by (check all applicable items)

- ☐ inventor(s).
- ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;
- ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item VIII below for fee.)
- ☐ not attached
 - ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named applicant(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.)
 - ☐ Attached is a showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

IV. Identification of Claims for Further Prosecution

WARNING: *"The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b).*

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the:
 - ☐ attached preliminary amendment.
 - ☐ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
 - ☒ the claims as on file in the prior application.

V. Fee Calculation (37 CFR 1.16)

NOTE: *The filing fee for a continuation, continuation-in-part, or divisional application is based on the number of claims remaining in the application after entry of any preliminary amendment and entry of any amendments under 37 CFR 1.116 unentered in the prior application which is requested to be entered in this FWC application. 37 CFR 1.62.*

VIII. Fee Payment Being Made at This Time

Not attached

- ☒ No filing fee is submitted. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)*

Attached

- ☐ filing fee \$ _____
- ☐ recording assignment (\$40.00; 37 CFR 1.21(h)). For payment of fee see item XIV below.
- ☐ petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ _____
- ☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(i)) \$ _____

NOTE: 37 CFR 1.21(f) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be timely paid or the processing and retention fee in § 1.21(f) must be paid within 1 year from the notification under § 1.53(d).

Total fees enclosed \$ 0

IX. Method of Payment of Fees

- ☐ Attached is check in the amount of \$ _____
- ☐ Charge Account No. _____ in the amount of \$ _____
- ☐ A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

X. Authorization to Charge Additional Fees

WARNING: If no fee payment is made at this time this item should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. _____:
- ☐ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed" (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance, 37 CFR 1.311(b).

From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. Notification of any change of status resulting in loss of entitlement to small entity status must be filed in the application prior to, or at the time of, paying the issue fee. 37 CFR 1.28(b).

XI. Instructions as to Overpayment

- ☐ Credit Account No. _____
☐ Refund

XII. Priority—35 U.S.C. 119

- ☐ Priority of application Serial No. 0 / _____ filed on _____ in _____ is claimed under 35 U.S.C. 119. (country)
☐ The certified copy has been filed on _____ in prior U.S. application Serial No. 0 / _____, which prior application was filed on _____
☐ certified copy will follow

XIII. Relate Back—35 U.S.C. 120

- ☒ Amend the specification by inserting before the first line the sentence:

"This is a

- ☒ continuation
☐ divisional
☐ continuation-in-part

of copending application(s)

- ☒ Serial Number 081 118,167 filed on SEPTEMBER 8, 1993
☐ International Application _____ filed on _____ and which designated the U.S."

NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

XIV. Assignment

- ☒ The prior application is assigned of record to CLIFFORD ELECTRONICS, INC.

☐ An assignment of the invention to _____

is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

NOTE: "If an assignment is submitted with a new application, send two separate letters - one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

XV. Power of Attorney

The power of attorney in the prior application is to

LARRY K. ROBERTS

(Attorney)

MANUEL QUIOGUE

28,464

(Reg. No.)

26,978

- a. ☐ The power appears in the original papers in the prior application.
b. ☒ The power does not appear in the original papers, but was filed on 4/25/88
c. ☐ A new power has been executed and is attached.
d. ☒ Address all future communications to:

LARRY K. ROBERTS

28,464

(Name)

(Reg. No.)

P.O. BOX 8569

(Address)

NEWPORT BEACH, CA 92658-8569

(Tel. No.)

(Item d may only be completed by applicant, or attorney or agent of record.)

XVI. Maintenance of Copendency of Prior Application

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run.)

- ☒ A petition, fee and response has been filed to extend the term in the pending prior application until 11/6/94.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☒ A copy of the petition for extension of time in the prior application is attached.

XVII. Conditional Petitions for Extension of Time in Prior Application

(complete this item and file conditional petition in prior application if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

XVIII. Abandonment of Prior Application

- ☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XIII above.

NOTE: According to the Notice of May 13, 1983 (103 TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

XIX. Information Disclosure Statement

- ☐ Submitted herewith is an Information Disclosure Statement.

XX. Assignee Certification

WARNING: When an assignee files a continuation or divisional application (under 37 CFR 1.53, 1.60 or 1.62), reference may be made to a statement filed under 37 CFR 3.73(b) in the parent application or a copy of that statement may be filed. A newly executed statement under 37 CFR 3.73(b) must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

(complete the following if the assignee is signing below)

- ☐ This is a ☐ continuation ☐ divisional application and the statement under 37 CFR 3.73(b)
- ☐ has been filed in the parent application.
- ☐ a copy of the previously filed statement in the parent application is attached.
- ☐ This is a continuation-in-part application and a "CERTIFICATE UNDER 37 CFR 3.73(b)" is attached.

(type or print name of person signing declaration)

Date

Signature

(P.O. Address of Signatory)

(if applicable)

Tel. No. : ()

Reg. No.

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☐ Attorney or agent of record
- ☐ Filed under Rule 34(a)

(complete the following if applicable)

CLIFFORD ELECTRONICS, INC.
(type name of assignee)

(Address of assignee)

20750 LASSEN STREET
CHATSWORTH, CA 91311

(Title of person authorized to sign on behalf of assignee)

Assignment recorded in PTO on APRIL 18, 1988

Reel 4852 Frame 255

- ☐ Plus ADDED PAGE FOR INVENTOR'S DATA FOR FWC FILING
☐ Plus ASSIGNMENT (DOCUMENT) COVER LETTER ACCOMPANYING
NEW PATENT APPLICATION

SIGNATURE OF ATTORNEY

Larry K. Roberts 11/4/94

LARRY K ROBERTS

(type or print name of attorney)

Reg. No. 28,464

Tel. No.: () 714-640-6200

P.O. BOX 8569

(P.O. Address)

NEWPORT BEACH, CA 92658-8569

Attorney's Docket No. 392.5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DRORI, Z.Serial No.: 08/118,167Group No.: 2609Filed: 09/08/93Examiner: WELDON, W.For: ELECTRONICALLY PROGRAMMABLE... SYSTEM

Commissioner of Patents and Trademarks

Washington, D.C. 20231

AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME TO
MAINTAIN PARENT CASE WHICH IS TO BE ABANDONED WHEN FILING
NEW APPLICATION CLAIMING ITS BENEFIT

NOTE: Where an extension of time is sought solely for the purpose of filing a continuation application under 35 USC 120 and where the prior application is to be abandoned in favor of the continuing application, the filing of a response as required by 37 CFR 1.111 or 1.113 is considered to be an unnecessary expenditure of resources by the applicant and, in these situations, the PTO will accept the filing of a continuing application as a response under 37 CFR 1.136. Notice of May 13, 1985 (1031 OG 11).

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

1. The amendment in this case is a bona fide attempt by applicant to respond and to advance this application to final action and comprises a separately filed:

(check (a), (b) or (c) as applicable)

- (a) ☒ Continuation application
(b) ☐ Continuation-in-part application
(c) ☐ Divisional application (where parent case is to be abandoned)

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail label placed thereon prior to mailing. 37 CFR 1.16(b).

2. This is a petition under 37 CFR 1.136(a) for an extension of time to respond to

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date NOVEMBER 4, 1994 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number 18827283413 addressed to the: Commissioner of Patents and Trademarks Washington, D.C. 20231.

LARRY K ROBERTS

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: An express mail certificate under 37 CFR 1.10 and the "WARNING" below is shown on the presumption that this paper will be mailed with the new application.

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case Which is to be Abandoned When Filing Applicant Claiming Its Benefit [4-5]—page 1 of 3)

090 BA 11/18/94 08118167

1 217

420.00 CK

TW11182 11/18/94 08118167

18-1593 110 217

15.00CH

(check and complete (d) or (e) as applicable)

(d) ☒ the Office Action mailed MAY 6, 1994

(e) ☐ (other) _____

3. Please abandon this application, conditioned upon the granting of the petition and the granting of a filing date to the continuing application so as to make the continuing application copending with this application. (Notice of May 13, 1983, 1031 O.G. 11-12).

4. Applicant is

☒ a small entity

verified statement:

☐ enclosed

☒ already filed in parent application and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed

☐ other than a small entity

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136(a) (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 360.00	\$180.00
<input checked="" type="checkbox"/> three months	\$ 840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00

Fee \$ 420.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 420.00

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. Fee payment

☒ Attached is a check in the sum of \$ 420.00

☐ Charge Account No. _____ the sum of \$_____

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case Which is to be Abandoned When Filing Applicant Claiming Its Benefit [4-5]—page 2 of 3)

A duplicate of this transmittal is attached.

7. Fee deficiency

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

☒ If any additional extension and/or fee is required, charge
Account No. 18-1593

Reg. No. 28,464

Tel. No.: (714) 640-6200

Larry K. Roberts
SIGNATURE OF ATTORNEY

LARRY K. ROBERTS
Type or print name of attorney

P.O. Box 8569

P.O. Address

NEWPORT BEACH, CA 92658

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case Which is to be Abandoned When Filing Applicant Claiming Its Benefit [4-5]—page 3 of 3)